

739 KAR 2:090. Candidate Physical Ability Test.

RELATES TO: KRS Chapter 67, 75.010, 95A.040

STATUTORY AUTHORITY: KRS 95A.040(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 95A.040(2) requires the commission to establish and implement a candidate physical ability test to be administered to all candidates for professional firefighter positions. This administrative regulation establishes the candidate physical ability test to be used for candidates seeking professional firefighter positions.

Section 1. Definitions. (1) "Candidate means any individual, including a volunteer firefighter, who shows interest in, or has applied for, a career position within a fire department.

(2) "CPAT" means the most current version of the Candidate Physical Ability Test Program copyrighted by the IAFF.

(3) "CPAT Administration" means the IAFF's secure web-based tool for all IAFF licensees to collect and provide aggregate and redacted data in support of all aspects of administering the CPAT program.

(4) "IAFC" means the International Association of Fire Chiefs.

(5) "IAFF" means the International Association of Fire Fighters.

(6) "Professional firefighter":

(a) Means a full-time employee of a fire department or fire protection district, as established in KRS 95A.040(2)(a), whose job involves the active suppression of fires as part of the regular course of the employee's duty; and

(b) Does not mean a part-time employee or an employee whose job:

1. Is administrative or supervisory; and

2. Does not involve the active suppression of fires as part of the regular course of the employee's duty.

(7) "SFRT area offices" means State Fire Rescue Training area offices.

Section 2. Licensure Requirements. (1) Each candidate applying for full-time employment as a firefighter with a Kentucky fire department on or after January 1, 2013 shall have successfully completed the CPAT.

(2) A fire department may accept a CPAT certification obtained in a state other than the Commonwealth of Kentucky to fulfill the requirements of this administrative regulation.

(3) A fire department established pursuant to KRS 75.010 shall be fully licensed with the IAFF to implement the CPAT and may administer the CPAT independently of the Kentucky Fire Commission with thirty (30) days prior notification to the Kentucky Fire Commission. The Kentucky Fire Commission shall assist each fire department in obtaining the licensure upon written request and shall be responsible for all costs associated with IAFF licensure. The Kentucky Fire Commission shall assume all liability for compliance with the CPAT program.

(a) The Kentucky Fire Commission shall agree, on behalf of all licensees, to collect and provide to the IAFF and the IAFC data regarding number of male, female, and minority applicants that have taken the CPAT and the pass and fail rates of each. The CPAT Administration shall be used by the Kentucky Fire Commission as the sole means for collecting and providing data as well as for the administration of the CPAT.

(b) All licensees shall use the CPAT in whole and only for the purpose of candidate testing in accordance with the most current copyrighted version of the CPAT Manual, 2nd Edition. This includes, but is not necessarily limited to, recruiting, mentoring, preparatory programs, orientation programs, and proper program administration including using specified equipment, test parameters, qualified proctors, and test personnel.

1. The Kentucky Fire Commission shall provide the staff necessary for all CPAT mentoring, orientation, and practice testing, unless a fire department administers the CPAT independently of the Kentucky Fire Commission.

2. The Kentucky Fire Commission shall complete the transportability studies and licensure requirements established in Chapter 3 of the CPAT Manual.

3. The Kentucky Fire Commission shall provide all candidates with the pre-test materials and preparation guides required in Chapter 4 of the CPAT Manual.

4. Consistent with Chapter 4 of the CPAT Manual, a candidate may opt to take the CPAT examination during either of the mandatory practice sessions.

a. If a candidate opts to take the CPAT examination during a practice session, the candidate shall not re-take the examination during the same administration period.

b. Any candidate applying for re-certification within one (1) year of initial certification may opt out of the orientation session.

(c) The CPAT shall be administered by the Kentucky Fire Commission continually in two (2) separate permanent locations. One (1) permanent location shall be located in Louisville, Kentucky, and the other shall be located in Winchester, Kentucky.

(d) The Kentucky Fire Commission shall administer the CPAT and the required orientation and practice sessions throughout the Commonwealth of Kentucky in the manner established in subparagraphs 1. through 9. of this paragraph. In conducting the CPAT exam and required orientation and practice sessions, the Kentucky Fire Commission shall attempt to locate the facilities in closest proximity to the fire department with the majority of potential candidates.

1. The CPAT shall be administered at least once per year in the region comprised of Areas 1 and 2, combined.

2. The CPAT shall be administered at least once per year in Area 4.

3. The CPAT shall be administered at least once per year in the region comprised of Areas 9, 10, 11, and 12, combined.

4. The CPAT shall be administered at least once per year in the region comprised of Areas 13 and 14, combined.

5. The CPAT shall be administered at least two (2) times per year in Area 3.

6. The CPAT shall be administered at least two (2) times per year in Areas 5 and 6, combined.

7. The CPAT shall be administered at least two (2) times per year in Area 7.

8. The CPAT shall be administered at least two (2) times per year in Area 15.

9. Any of the trainings required pursuant to subparagraphs 1 through 8 of this paragraph may be cancelled if no more than fifteen (15) candidates have registered within ninety (90) days prior to the scheduled examination.

(e) The Kentucky Fire Commission shall administer the CPAT using mobile equipment within an SFRT area office area upon written request from a fire department located within that SFRT area office area, on the conditions that:

1. The CPAT has not been administered within that SFRT area office area during the four (4) months prior to the request; and

2. There are a minimum of fifteen (15) candidates registered for the examination. The CPAT shall be administered within ninety (90) days of receipt of the request if all of the resources required to administer the CPAT are anticipated to be available on the date requested.

(f) The Kentucky Fire Commission, with the assistance of local fire departments, shall be responsible for securing the location of the regional examinations established in paragraph (d)2 and 3 of this subsection. In the event that the Kentucky Fire Commission and local fire departments are unable to secure an appropriate location within thirty (30) days of the scheduled examination, the examination shall be cancelled.

(g) The responsibility for securing a CPAT examination site upon fire department request shall be shared jointly between the Kentucky Fire Commission and the requesting local fire department.

1. The requesting fire department shall suggest a location that meets the requirements detailed in the CPAT Manual for a testing site.

2. If the property is owned by a city, county, or state government, the Kentucky Fire Commission shall secure the property.

3. In the event that the Kentucky Fire Commission and the requesting fire department are unable to secure an appropriate location within thirty (30) days of the scheduled examination, the examination shall be cancelled.

4. The Kentucky Fire Commission may inspect the site up to thirty (30) days prior to the scheduled examination.

(h) The Kentucky Fire Commission shall establish a schedule for the administration of the CPAT on an annual basis. This schedule shall be published on the Kentucky Fire Commission Web site at least thirty (30) days prior to January 1 of each year. Any additional administrations of the CPAT shall also be publicized and communicated to all fire departments located within the SFRT area office area in which the CPAT is being administered.

(i) A CPAT certification obtained in the Commonwealth of Kentucky shall remain valid for one (1) year if the candidate is not hired by the fire department on whose behalf the CPAT is administered. The CPAT certification shall be considered to have fulfilled the requirements of this administrative regulation by another fire department with whom the candidate applies for full-time employment for the year following the date of initial certification.

(4) A third party testing organization may obtain a limited CPAT license for the purpose of testing the physical capability of firefighter candidates. The limited license shall be granted only upon the express condition that the licensee shall only administer the CPAT for a fire department that already possesses a valid full license from the IAFF. As a condition of receiving a limited license, an applicant shall agree that it shall only administer the CPAT in accordance with the IAFF's licensing requirements, which include full compliance with the EEOC conciliation agreement and utilization of the CPAT Administration.

(a) A limited licensee shall not administer the CPAT to any person without first obtaining a written Fire Department Agreement with the fire department to which the person is applying. The agreement shall comply with the following:

1. The fire department shall certify that it has a valid CPAT license and that it agrees to recognize and accept proof of completion of the CPAT from the limited licensee;

2. The fire department shall certify that it shall utilize the CPAT only in the context of an overall implementation of the CPAT program that complies with its CPAT license;

3. The limited licensee shall have the capability and agree to assist the fire department in meeting the terms of compliance, including the pre-test orientation and mentoring requirements;

4. The limited licensee shall have the capability and staff to validate the CPAT for jurisdictions through a transportability study, assist the fire department in obtaining CPAT licensure, provide consistent CPAT testing administration, and legally defend their validation and CPAT administration;

5. The limited licensee shall have the capability and agree to provide candidates continuously available practice tests and orientations. It shall assist the CPAT licensed fire department in establishing candidate mentoring programs. The limited licensee shall have purchased all CPAT equipment and verify that the equipment and props conform to all requirements outlined in the CPAT Manual and that it has the ability to administer the CPAT in conformity with the specifications of the CPAT Manual;

6. Cost shall not be imposed upon a Kentucky resident for the administration of the CPAT by a limited licensee located in the Commonwealth of Kentucky. The fee shall be paid by the Kentucky Fire Commission; and

7. If the limited licensee provides CPAT certifications for a candidate's use in applying for employment in multiple fire departments, it shall notify the IAFF of the CPAT licensed fire departments for which the certification is provided. The Kentucky Fire Commission shall provide an electronic system to transmit this information. CPAT licensed fire departments that accept the certifications can verify an applicant's results and the date upon which the results are no longer valid.

(b) Limited licensees shall agree to fully cooperate with the IAFF in its conduct of on-site reviews and audits of any facility holding a limited license. The on-site review and audit shall include:

1. Verification of written agreements with fire departments;
2. Verification of test administration procedures;
3. Verification of proctors;
4. Facility inspection in accordance with the CPAT requirements on size, environmental conditions, floor composition;
5. Equipment inspection to ensure that all equipment and props meet the CPAT specifications;
6. Verification that course layout is in accordance with the CPAT specifications; and
7. Verification that the CPAT Administration is being properly used and data reported.

(c) Limited license holders shall be charged an annual licensing fee of \$5,000 to be paid to the IAFF. Limited licenses shall be non-transferable, nonexclusive, and revocable at will for any reason.

(d) Limited license holders shall confirm their license with the Kentucky Fire Commission prior to administering the CPAT.

(5) From August 1, 2014 through July 1, 2015, the Kentucky Fire Commission shall issue a notice of violation via United States Postal Service to any individual, organization, or governmental entity in violation of any provision of this administrative regulation. Prior to July 1, 2015, the Kentucky Fire Commission may impose all penalties authorized by law on any individual, organization, or governmental entity found to be committing fraud or providing false information to the Kentucky Fire Commission. After July 1, 2015, the Kentucky Fire Commission may impose any penalty authorized by law on any individual, organization, or governmental entity in violation of any provision of this administrative regulation.

Section 3. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "CPAT Manual, 2nd Edition", 2007; and

(b) "Fire Department Agreement", 2013, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Kentucky Fire Commission, 118 James Ct., Suite 50, Lexington, Kentucky 40505, Monday through Friday, 8 a.m. to 4:30 p.m. (40 Ky.R. 2798; 41 Ky.R. 41; eff. 8-1-2014; Crt eff. 2-24-2020.)